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ABSTRACT

This handbook provides guidance to school administrators in setting up an effective school attendance system. After brief introductory sections on the importance of good attendance and on how to recognize whether excessive pupil absences are a problem, the third section discusses how to organize the attendance services: outlining objectives; appointing an attendance teacher to organize, direct, and carry out the attendance program; coordinating attendance with other pupil personnel services, and setting up a referral process. The fourth section then presents a model program that provides for reporting of absences, screening of absentee lists, follow-up, referrals, publicity and public relations, teacher orientation, and prevention. Suggested activities are also included in the model program. The fifth section covers the following special topics: (1) legal considerations regarding school district residency and educational entitlement, temporary residence in an institution including hospitals, residence in foster homes, children living in "free family homes"; (2) New York State mandates on length of school day and year, last day of school, employment certificates, attendance, and grading; and (3) other attendance questions and answers. (TE)

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IMPROVING PUPIL ATTENDANCE

A Handbook for Administrators and Attendance Personnel

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Bureau of Pupil Services
Albany, New York
1985

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To the end that children shall not suffer through unnecessary failure to attend school for any cause whatsoever, it shall be the duty of each attendance teacher and each attendance supervisor to secure for every child his right to educational opportunities which will enable him to develop his fullest potentialities for education, physical, social and spiritual growth as an individual and to provide for the school adjustment of any non-attendant child in cooperation with school authorities, special school services and community and social agencies. Education Law, Article 65, Section 3213.

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I. The Importance of Good Attendance

A school administrator might ask: "Why should our school district want to improve daily attendance?" Aside from the compulsory education law and the possibility of additional State Aid, other reasons are:

1. Pupils find it difficult to learn when they are excessively absent; consequently, there may be a need for more remediation and grades repeated for those pupils who are excessively absent.

2. In classes with high rates of absenteeism, teachers must continuously reteach subject matter. This is boring to pupils who attend regularly.

3. Excessive absence may be symptomatic of problem(s) that need attention (physical, mental, social, family).

4. There will be fewer discipline problems. Pupils who are excessively absent tend to act up in classes when they do attend, as a way of covering up their academic deficiencies.

5. The habit of good attendance tends to carry over into adult, business and family life.

6. Improved attendance should result in fewer dropouts and a higher retention rate.

II. Are Excessive Pupil Absences a Problem in Your School?

Pupils who have excessive absences are enrolled in all schools. Inner-city schools may have a disproportionate number of pupils with attendance problems.

What is the annual attendance rate for your school/district? The median attendance rate for schools in New York State was 94.5% in 1982-83. The State Education Department estimates that three to four percent of the school enrollment may be legally absent each day. School districts with attendance rates below 96 percent need to work to reduce the number of absences of the pupils in their school/district. Even school districts with attendance rates above 96 percent may have some pupils who are excessively absent.

What does a particular attendance rate mean?

Example: If school A had 100 pupils and a 90 percent attendance rate, this could mean (assuming 180 days of instruction, 18,000 possible pupil days of attendance, 1,800 pupil days of absence):

10 Pupils Never Attended
20 Pupils Attended ½ Time
100 Pupils Missed a total of 18 Days
50 Pupils Missed a total of 36 Days

All of the above possibilities are correct. Attendance rates may mask serious problems of individual students.

III. Organizing the Attendance Services

The most important initiative which can be taken to improve pupil attendance is to secure a priority commitment from the school superintendent to this goal. In large school districts a specific person reporting to the superintendent should be given the responsibility to insure that this priority is carried out at all levels.

A. Objectives

Attendance programs, like other programs or services, should have written objectives. Without written objectives, a program rarely is as good as it can be. Objectives serve as a yardstick against which to measure progress. All school personnel should be aware of the goals of the attendance program in order to achieve maximum cooperation.

Once objectives appropriate to the needs of a district have been outlined, a series of activities designed to carry out each objective should be listed under each. These objectives and activities constitute the basic program of attendance services and represent the framework within which attendance personnel will work.

The objectives which follow apply to all school districts in varying degrees, but are not meant to be all-inclusive. They are intended to help schools plan and develop a program suited to their needs.

1) To plan and supervise a pupil accounting program that accounts for all pupils accurately, provides information on absentees, and serves to identify pupils who need help.

2) To provide prompt service to pupils in need of help as soon as a need is suspected.

3) To work cooperatively with other members of the pupil personnel team and teachers in the interest of the child.

4) To develop and implement a preventive program for the early school years.

5) To cooperate with other community agencies which may also serve families of pupils with attendance problems.

6) To establish good communication between home and school so that effective cooperation to improve attendance can be achieved.

7) To provide attendance services to nonpublic schools.

8) To plan steps to be used to carry difficult cases through to completion -- i.e., case conferences, hearings, community agency referral, and formal court proceedings.

B. The Attendance Teacher

The logical person to organize, direct, and carry out an attendance program is the attendance teacher. The attendance teacher functions in the administration, interpretation, and enforcement of the compulsory education law, under the director of pupil personnel services. The basic areas of attendance are attendance counseling, pupil accounting, school census, employment certification, and exemptions.

Attendance is a constant day-to-day affair and cannot be neglected. All schools in New York State are required by Education Law 3213 to appoint an attendance supervisor. Consequently, in every school district in the State someone is responsible for attendance. These supervisors have a responsibility to see that no child is deprived of even a half-day of education if absence occurs for reasons which can be prevented.

Many school districts employ a full-time, certified attendance teacher. Many school districts also find it advantageous to assign the census and employment certification program to the attendance teacher.

The primary job of the attendance teacher is to see that every child who is able attends school every day. If there are obstacles in the way of a child's regular attendance, the attendance teacher takes steps to see that they are removed. In the course of this work, he or she follows up absentees, provides adjustment services, encourages regular attendance, provides leadership in the school and community, represents the school to the home, supervises pupil accounting programs, organizes the census, issues employment certificates, and prepares records and reports.

A brief summary of the duties often assigned to attendance personnel is presented in the following outline:

1. Organize a Program to Secure Regular Attendance

    a. Pupil accounting procedures

        (1) Screen absentee lists daily
        (2) Prepare master list of absentees
        (3) Interview returning absentees

    b. Immediate follow-up of absent children

        (1) The first follow-up may be telephone calls by a clerk under the supervision of attendance personnel or home visits by the attendance teacher

    c. Adjustment services

        (1) Provide assistance to pupils to help them recognize the underlying causes of their problems and find socially satisfactory solutions

(2) Make referrals, when attendance services are unsuccessful:

(a) To other pupil personnel services
(b) To community agencies

(3) Petition chronic cases to Family Court

(4) Maintain liaison among school district, the courts, and probation department

(5) Conduct case conferences with other school personnel (teachers, pupil service workers, administrators)

(6) Keep written case records

(7) Follow-up on suspensions

d. Encouragement of good attendance

(1) Orient teaching staff to the important role they can play in improving attendance

(2) Prepare letters to parents and articles for local papers on the value of regular attendance

(3) Keep classroom teachers informed of reasons for pupil absences

(4) Speak at faculty meetings and with other groups on importance of regular attendance

(5) Start "preventive" program in early grades

(6) Study attendance records for patterns of absences and respond to patterns by interviewing parents and students identified

e. Leadership

(1) Suggest and develop attendance policies

(2) Prepare statement of measurable objectives for the program

(3) Interpret program to school and community

(4) Develop school and community relationships

(5) Initiate meetings with school administration to evaluate current attendance

(6) Submit an annual report to the Superintendent/Board of Education

2. Census

   a. Plan enumeration or other methods to accomplish task

      (1) Organize census districts

      (2) Supervise enumerators

      (3) File data

   b. Maintain and amend census to keep it current

3. Pupil Accounting

   a. Supervise pupil accounting records

      (1) Orient teachers to pupil accounting procedures

      (2) Write instructions and directives to improve accuracy

      (3) Help plan routine procedures with administrator

      (4) Account for transfer and admission of pupils

   b. Assist in development of a data processing system which serves the needs of the school

   c. Supervise clerical staff in system implementation

4. Exemptions of Children with Handicapping Conditions

   a. Cooperate with the committee on handicapped regarding exemptions for handicapped children

   b. Supply attendance service to handicapped children

5. Employment Certification

   a. Supervise the issuance of employment certificates

   b. Be aware of changes in labor laws

   c. Interpret Education Law to students/parents/staff

   d. Counsel minors regarding working paper(s) and employment

6. Reports and Records

   a. Prepare reports for local and State administrators

      (1) Attendance reports

      (2) Employment reports

(3) Census reports

(4) Reports of attendance department

b. Inform school board and administration

(1) Population trends

(2) Percent, patterns, and problems of attendance

7. Professional growth

a. Participate in professional organizations

b. Participate in inservice training programs

C. Pupil Personnel Services and Attendance

The attendance program should be an integral, coordinated part of the pupil personnel services. It is important that help from the guidance counselor, school nurse-teacher, psychologist, and social worker be readily available when appropriate.

All members of the pupil personnel staff play a part in good attendance. The services of each of these individuals may be required to resolve attendance problems. Regular referral procedures must be established by the administrator so that these personnel may be readily made aware of all situations in which they can help.

The guidance counselor should be involved in all cases where the student's school program or academic progress may be part of the problem. He or she can also be helpful in advising youngsters in employment situations, in identifying potential dropouts, and in pinpointing difficulties.

The school social worker can help in providing effective liaison between the school and home. Many adjustment and emotional problems symptomized by poor attendance can appropriately be referred to the school social worker.

The school psychologist contributes by making studies which help determine the reason for the child's inability to meet attendance requirements. Pupils who have a history of one or two days of recurring absence for vague reasons might be referred for review. Pupils with especially severe attendance problems, including truants with suspected emotional problems, should be referred.

D. The Referral Process

1. How may a child be referred to an attendance teacher?

One person in each school in the district should be assigned to work with an attendance teacher. All information regarding absence should be centralized with this person. This includes information from telephone calls from the parents, messages from other members of the family, and information obtained from teachers, school nurse-teachers, and other members of the professional staff. The assigned person in each school should be provided sufficient time to review cases properly with the attendance teacher.

In reporting absences, all schools might use a 40-week attendance card since this card gives a complete picture of the student's attendance. These cards should be carefully screened by the person in charge of attendance for referral to the attendance teacher.

2. How does the attendance teacher proceed after the case is referred to him or her?

When the case is referred to the attendance teacher, all information should be made available for his or her use. Cases of chronic tardiness should be referred to the attendance teacher with a description of the attempts made by school personnel to correct the situation.

The attendance teacher assists the pupil and family in identifying and removing causes which may be contributing to poor attendance, helps develop positive attitudes toward regular attendance, and makes parents aware of their responsibilities. After cases are referred to the attendance teacher, ample opportunity and time should be given them to study, explore, and work with the students referred.

Once the problem has been determined and clearly identified, the attendance teacher can plan a course of action designed to facilitate the child's adjustment to the school setting, involving parents, school staff, and community agency personnel, as necessary.

IV. A Model Program

A model program assumes administrative support, sufficient clerical and professional help, office space, and equipment to accomplish the task efficiently. Attendance programs should apply uniformly in all schools within a given district. They should provide for the following:

(a) Reporting - Absences should be reported to the office daily through the use of the 40-week card. The attendance card shows all patterns of attendance or absence at a glance. If a child is absent the second Monday afternoon in a row, it is immediately visible on the card. There is no other device which can approach the value of the 40-week attendance card for the follow-up and control of attendance in a school system. Required statistics and numerical information can, of course, be printed out on machines.

Using the 40-week attendance cards can relieve the teacher of considerable clerical work. The card is very simple to keep and involves little time and effort. A card is a "must" for the attendance teacher or supervisor since without it he or she has much more difficulty obtaining needed information.

(b) Screening - All cards and absentee lists should be screened daily by a professional member of the staff or by a clerk or secretary under the direction of the attendance teacher to identify students whose absence should be investigated.

(c) Follow-up - All absences of an unexplained nature should be investigated on the first day of occurrence.

Initial home visits on attendance matters should be made by the person responsible for attendance (the attendance teacher). It is neither fair nor economical to expect people involved in other service areas to make these calls. If referrals to other services are necessary, they should be made by the attendance teacher who is trained to discover and evaluate the need for such referrals.

Since the adjustment phase (investigation and remediation of the causes of the attendance problem) of the attendance service is one of the most important, more emphasis should be placed upon it. In all problem cases, parents should be interviewed at length as soon as the problem appears. A written case history should be started at once for all children needing assistance. Results of parental and staff interviews and possible solutions should be stated.

For most children, adjusting to school comes naturally as they grow up. Others find real roadblocks, such as adverse home or school conditions, or health and personality problems in their way. Helping these children adjust is as much the task of the school as the teaching of the three R's. Assisting such children depends upon the interpretation of data gathered from many sources. Working with children cannot be disassociated from working with parents. A child largely derives his or her emotional balance and sense of values from parents. It is in the home, therefore, where the attendance teacher may find influences affecting the child's school performance. Thus, in order to understand the cause of any difficulty, the attendance teacher must gather information about the child's family, school, community, and personal history and background. When this case study is completed, the information must be evaluated and a suitable plan of remedial action decided upon.

(d) Referrals - Referrals should be made to other services when the attendance teacher has exhausted his or her resources. This is not to say that others should not be consulted beforehand. Procedures may be established for holding hearings before school principals and for case conferences. Referral procedures should be well planned and easy to implement. Contacts should be maintained with the county probation department and the family court so that they can be used when necessary. Probation diversion programs should be considered.

(e) Publicity and public relations - A series of letters, news releases, and posters should be prepared and directed to parents. Such publicity should explain in a general way the importance of regular attendance and the requirements of the law. From time to time during the course of the year, talks can be given at parent-teacher meetings and to other groups. There are many topics, such as tardiness and vacation trips, which are appropriate for attendance articles. In the spring of the year some emphasis can be given to employment certification requirements.

(f) Teacher orientation - All teachers should be oriented to the important part they can play in encouraging good attendance. The classroom teachers should be the first to notice any deviation from the normal. They should be trained to watch for patterns and to show their concern for the pupil's welfare. The attendance teacher should be invited to speak at one or two faculty meetings during the course of the year. September or October is a good time to do this.

The classroom teacher is important in the attendance program. The teacher should be familiar with each pupil's attendance records and watch for significant patterns of absence as possible danger signals. The teacher can assist in impressing upon parents the importance of regular attendance and the need for notifying the school of the reasons for absence. Teachers can provide invaluable information about parents and children to the attendance teacher; they can refer cases for investigation and help materially in the adjustment of pupils who have returned after absence.

(g) Prevention - A preventive program should have special attention in the attendance teacher's responsibilities. Many of the problems which appear in the upper grades have their roots in the early years of school. It is important to build positive habits of attendance during these formative years.

Preventive programs include expanded contacts with elementary parents and staff and with groups of elementary pupils, to talk about the value of regular attendance, and very prompt attention to any developing pupil attendance problems.

Most of the time and effort of attendance teachers has been directed toward junior and senior high school pupils. This is an area of most concern because of the number of absences which occur at these grade levels. There is also a concern for preventing the dropouts that frequently begin at the eighth grade. Some of the emphasis should be shifted to younger children.

A good "preventive" program directed to the elementary school pupil should be considered by all who have attendance responsibilities. It is clear that some pupils will always need service in the junior and senior high schools. However, some efforts should be made to work with pupils before chronic absenteeism develops. Thus, more emphasis should be shifted to the elementary schools.

Preventive programs need to touch all school personnel, pupils, parents, and the community. Admittedly, most attendance teachers already have much to do on the secondary level. Perhaps it might be wise, though, to

reduce home visits to seniors and to focus more on younger children. Regular attendance helps develop a pattern of structure and routine in young children and actually gives them security.

Preventive programs should begin at the kindergarten level. Habits form early. At that time, parents appear more willing to work with the child and with the school. Contacts that parents have with the school are more positive in nature. It is not necessary for parents to be defensive or protective since the approach is not punitive.

(h) Suggested activities - The following ideas have been "borrowed" from attendance teachers in the field and other sources. They are elements of a model program.

(1) Plan a pupil accounting system which accounts for secondary pupils each period and shows developing patterns of absence at their inception.

(2) Carefully screen the school's absentee list each day at all levels to determine if any pupils are absent whose absence should be immediately investigated.

(3) Make home visits and discuss with parents the attendance of their child, in all cases of excessive absence.

(4) Consider changes in school programs for secondary students, including alternative education to provide better for individual differences of chronic truants.

(5) Recognize or commend good attendance through the use of awards.

(6) Prepare information letters for parents at the beginning of the school year explaining attendance requirements and requesting their cooperation.

(7) Discuss the value of attendance at parents' meetings.

(8) Prepare and disseminate various types of promotional publicity using all available media.

(9) Follow the attendance of school transfers closely until their typical pattern is known.

(10) Check the school census against the school enrollment making sure all eligible children are enrolled in school.

(11) Make special efforts to welcome children after they have been absent.

(12) Take immediate and positive action on needy and neglected children including contacting appropriate community agencies.

(13) Make continuous use of promotional posters and other publicity in the school.

(14) List the names of all children having excessive absences during the previous year and ask the staff to encourage them to attend more regularly.

(15) Orient all staff members to the attendance program.

(16) Document from local records that dropouts have poor attendance records and publicize findings in school community.

(17) Identify potential dropouts and absentees early in their school career and institute preventive measures.

V. Topics of Special Interest

The Attendance Unit of the Bureau of Pupil Services receives a large number of requests for information regarding the rights of children to an education in a particular school district, and regarding the requirement of enrolled pupils to attend. The more common but sometimes complex topics are presented below. The application of Education Law, Commissioner's Regulations, Opinions of Counsel, or accepted practice to particular situations may sometimes be difficult. Local educators are urged to review such situations with their school attorney. The Attendance Unit may also provide assistance. Staff of this Unit can be reached at: (518) 474-3868.

A. School District Residency and Educational Entitlement

Children who live with one or both natural parents are legal residents of the school district in which their parents reside and are eligible to attend school in those districts. (Education Law, Section 3202.1)

Questions are raised, however, about the residency status and education entitlement of children whose parents reside in a school district other than the one in which the child resides. Answers to these questions involve the determination of legal residence of the children, the legal residence of the persons in parental relation to them, and the responsibility for tuition payment. Some of the entitlements and obligations in such cases are reviewed in the following paragraphs.

1. General Considerations

In those situations where there is a question of residency or fiscal responsibility for tuition, school districts are strongly encouraged to enroll a pupil so that his or her education is not disrupted. The clarification of fiscal responsibility may involve lengthy discussion. The pupil should not be penalized because school districts may need time to determine fiscal responsibility.

2. Temporary Residence in an Institution Including Hospitals (Education Law, Section 3202.7)

Children are placed temporarily, and occasionally for extended periods, in secure and nonsecure detention facilities, group homes, or a special care home. The basic rule is that the school district in which such children are legal residents; e.g., the school district in which they resided prior to placement in the institution or hospital, must provide or arrange for the provision of educational services even if the site at which they are placed is not within the boundaries of their school district of residence.

> Family Court Act, Section 720a. "Detention shall mean the temporary care and maintenance away from their own home of children held for or at the direction of family court pending adjudication..."
>
> Social Services Law, Section 371.17. "Group home shall mean a facility for the care and maintenance of not less than seven, nor more than twelve children, who are at least five years of age, operated by an authorized agency..."
>
> Chapter 450, Laws of 1977. "A special care home is a temporary shelter, licensed by the New York State Department of Social Services with a minimum of seven beds providing safe refuge for both adults and children who are victims of domestic violence."

Educational services may be provided by the school district of residence under the following arrangements:

a. by engaging a tutor to deliver the service in the placement facility,

b. by arranging for the service to be delivered by the school connected with the placement facility, or

c. by arranging for the service to be delivered by the school district in which the placement facility is located. (Education Law, Sections 3202.7, 7a)

There are three important conditions pertaining to the foregoing:

- School districts in which hospitals or institutions are located shall receive such children in their schools for compensation unless there are valid reasons for not admitting them in the judgement of the Commissioner of Education.

- The cost of instruction provided to children who are placed in a hospital or an institution for the care and custody of children by a social services district, and are supported and maintained at the expense of the social services district, is a charge upon that social services district.

- Young persons residing in a Division for Youth facility may be educated in the school district in which the facility is located, if the Division for Youth contracts with the school district. In

such cases, the school district in which the parents of the young persons resided at the beginning of each school year shall be responsible for tuition charges. (Executive Law, Section 502)

3. Residence in Foster Homes (Education Law, Section 3202.5a)

If a child is placed in a family home-at-board by a social services district or a state department or agency, the school district in which the home is located must admit the child to its school, but such district is entitled to collect tuition from the school district in which the child resided at the time the social services district or state department or agency assumed responsibility for the support and maintenance of the child, except that if social services or other placing department or agency assumed responsibility for tuition prior to January 1, 1974, such entity shall continue to be responsible for the child's tuition. The State Board of Social Welfare has promulgated a rule requiring agencies placing children in foster homes outside of their school district of residence to provide the school districts involved with sufficient data so that the receiving district may be compensated for providing instruction. (State Board of Social Welfare, 18 NYCRR, Section 8.1, School Notification)

4. Children Living in "Free Family Homes"

This category also includes "family home-at-board" (Education Law, Section 3202.5b) when children are not supported by a social services district or state department or agency. Generally speaking, child welfare agencies are not involved in the placement of a child in a free family home-at-board and do not finance the placement. These are situations in which adults, often relatives or friends other than the child's natural parents, agree to assume the responsibility; i.e., care and custody, for a child. In the event the natural parents have relinquished all responsibility for care and custody of the child to other adults who have agreed to accept care and custody, the child becomes a resident of the school district in which the responsible adults reside, and is entitled to attend the schools of the district. (Decision of the Commissioner of Education, No. 8258)

However, if the free family home or the family home-at-board is not the actual and only residence of the child (e.g., child resides with natural parents on weekends), the school district in which the free family home is located may choose not to accept such children, or it may accept them upon payment of tuition. (Education Law, Section 3202.5c, 5d)

It follows that school districts which are asked to enroll children not residing with their natural parents may seek evidence to substantiate that the adults with whom these children are residing provide in fact the actual and only residence of the child, and that they have care and custody of the child. Affidavits to this effect may be requested from the biological parents and from the adults with whom the child is residing. Such affidavits are helpful to the school district, but technically cannot be required. The school district bears some responsibility to

prove that the child is not a resident of the school district in those cases where there is a question of residency, i.e., the burden of proof is not exclusively that of the child enrolling in the school district.

5. Emancipated Minors

Legal precedents concerning emancipated minors are subject to diverse interpretations. The Bureau of Pupil Services defines emancipated minors as persons 16 to 18 years of age living apart from their parents and financially independent of them. The basic question is whether or not the minors claiming emancipation have in fact established a residence in which they maintain themselves beyond the support and control of their natural parents. If such can be verified, then the consensus is that such students are entitled to a tuition-free education in the district in which they reside. While various methods may be used to ascertain residency, districts have sought the following information in various combinations:

a. Residence

1) rent receipt in minor's name
2) statement from person furnishing housing
3) an affidavit* by minor.

b. Financial Independence

1) statement of employer
2) statement from parents that minor has voluntarily removed himself/herself from home
3) statement, where applicable, that the commissioner of social services is providing public assistance at the new address.

B. Length of School Year

Elementary and secondary schools shall be in session for at least 180 days each school year. The Commissioner has no legal authority to excuse days of adverse weather conditions or other extraordinary conditions unless it can be determined that such days could not have been made up prior to the close of the school year. (Education Law, Section 3604)

C. Length of School Day

The minimum length of the school day exclusive of time for lunch is:

Kindergarten full-day session	-5 hours
Kindergarten half-day session	-2½ hours
Grades 1-6	-5 hours
Grades 7-12	-5½ hours

(Commissioner's Regulations, Section 175.5)

*Affidavit is a sworn statement in writing made under oath; i.e., notarized.

There is no provision in Education Law or Section 175.5 of the Regulations of the Commissioner to hold days of shortened session on the opening day of the school year, clerical days, teacher accreditation days, first day of new semester or term, local testing days, or any other day not otherwise specifically provided for by Law or Regulations.

Days on which local tests or examinations are administered in the secondary grades (Intermediate Schools, Junior High Schools, High Schools) in a block schedule format similar to Regents Examinations may not violate length-of-school-day Regulations if administered during Regents Examination Week in January or June.

Days used to administer citywide tests or other local tests are not eligible to meet the 180 day minimum requirement unless all pupils are required to attend, attendance is taken and recorded as part of Average Daily Attendance for the attendance period involved, and the length-of-school-day Regulation is met.

The administration of Preliminary Competency tests and/or Basic Educational Data System reports should not violate the length-of-school-day regulations.

The administration of local tests and/or teacher preparation for such testing may not violate the length-of-school-day Regulations.

D. Last Day of School

When the last day of school follows graduation day, it may not be claimed toward meeting the 180 day minimum requirement unless:

a. all pupils are required to attend,

b. attendance is taken, recorded, and reported as part of Average Daily Attendance for the last attendance period of the school year,

c. the length of the school day meets the minimum requirement or pupils are provided individual scheduling, counseling, evaluation, etc., as necessary prior to dismissal.

d. the same conditions apply to the day after Regents Examinations are completed.

E. Employment Certificates

Minors may obtain Employment Certificates from the school district where they live, work, or go to school. If the minor is from out of state, then the school district where the pupil works should issue the certificate.

F. Attendance and Grading

The Attendance Unit of the Bureau of Pupil Services receives frequent requests from school districts for information on the penalties schools may impose upon pupils for excessive absences.

The following is an attempt to answer certain questions on this subject based upon recent Commissioner's Decisions. Please remember that subsequent decisions may alter the following answers.

1. Can a school district deny course credit to a pupil who was excessively absent?

   "A board of education may require a reasonable amount of class attendance and is not required by law to waive attendance for pupils who are ill, even though such pupils may pass the final examination, as petitioner did in this instance." (Matter of Dickerson, 20 Ed. Dept. Rep. 132 (1980))

2. Can a school district reduce grades for reasons of discipline?

   No. "A grade is intended to be an educational evaluation, that is, an estimation of a student's level of achievement within a particular subject area. There are situations where a violation of a board's rules and regulations may warrant some type of academic sanction. To warrant such sanction, however, it is essential that the student's misconduct be related to his academic performance in the particular course. For example, where a student has cheated on an examination, a reduction in the student's grade in that course may be justified...the board may not subvert the purpose of grading by arbitrarily reducing a student's grade as a means of imposing discipline." (Matter of MacWhinnie, 20 Ed. Dept. Rep. 145 (1980)).

3. Can a school district distinguish between legal (valid) and illegal absence in the denial of course credit?

   No. "Denial of academic credit may not be premised solely upon whether or not a student's absence is excused. Such a policy is logically inconsistent, in that the students who have 'excused' absences have equally missed 'necessary' work which ought to have been made up in some other fashion to avoid loss of credit..." (Matter of Shamon, 22 Ed. Dept. Rep. 428 (1983)).

4. Can a school district reduce grades for illegal (unexcused absences)?

   No. "A board of education may not reduce a student's grades as a means of imposing discipline if the student's misconduct is unrelated to his academic performance." (Matter of Moller, 21 Ed. Dept. Rep. 138 (1981)).

G. Other Attendance Questions and Answers

Q - We had one extra "snow day" that was not figured in our 180 day school year. Can we be excused for being one day short of our 180 day school year?

A - No. The rule is that the day must be made up either through shortening vacation periods or by adding an extra day to the school year.

Q - We have a student who ran away several weeks ago. How do we mark the attendance register?

A - If an honest effort has been made to locate the student, transfer him/her out to "destination unknown."

Q - A minor from the State of Connecticut has requested working papers from our district. He is going to work in our area. Do we have to provide them?

A - Yes. A minor can receive working papers from the public school where he attends (if in New York State), where he lives (if in New York State), and from the public school district where he is going to work.

Q - A student has applied for enrollment in our school. There is some question as to whether he is a legal resident or not. Must we accept this student?

A - Yes. After an investigation you can determine residence and the need to charge tuition.

Q - Can we suspend a student who is handicapped?

A - Yes, as long as the reason for suspending is not a direct result of the student's handicapping condition.

Q - A parent refuses to give reasons for the child's absence. Can we code these absences as illegal?

A - Yes. The burden of proof rests with the parent in providing reasons for absence.

Q - We have a minor in our school district that turned six in December. The mother wishes to keep him home and start school the following September. Is this legal?

A - No. New York State Compulsory Education Law states that a minor must be under instruction when he reaches his 6th birthday.

Q - Can we drop a student for nonattendance?

A - Yes, if the student is over the compulsory attendance age, has missed 20 consecutive days and you followed the procedures found in Education Law 3202,1a., part of which states that you must inform the student and parent that the student can return any time he/she so desires.

Q - We have a request from a parent to withdraw her child and teach him at home. Is this legal?

A - Yes, under the following procedures:

1. Program at home must be approved by the Board of Education
2. School district may request attendance reports
3. School district may administer all local and State exams
4. School district should inform the parent that if and when the child returns to the public school he can be tested and placed at the grade level where those test scores indicate.

Note: Parent does not have to be a certified teacher.

Q - What constitutes an illegal absence?

A - The following reasons for absence are considered illegal: unlawful detention, truancy, and suspension.

Q - How long must we retain attendance records?

A - Ten years after the student would have graduated.

Q - Our high school is formulating an attendance policy. Should we get Board approval?

A - Yes.

Q - An emancipated minor moved into my district, must I accept her?

A - Yes.